

WILLIAM F. BROBST, JR.,
ROXANNE BROBST, h/w, and
KESHIA BROBST,
Plaintiffs,

vs.

WILLIAM F. BROBST, SR.,
DAVID W. CROSSETT, ESQUIRE,
SMITH LAW GROUP, LLC, and
JAMES M. SMITH, ESQUIRE,
Defendants.

AND NOW, this 19th day of June, 2018, upon consideration of the Smith Defendants' First Motion for Judgment on the Pleadings (Dkt. No. 55), the Plaintiffs' First Motion for Partial Summary Judgment (Dkt. No. 60), Defendant William F. Brobst, Sr.'s Motion for Summary Judgment (Dkt. No. 71), the Smith Defendants' First and Second Motions for Summary Judgment (Dkt. Nos. 73, 98), the responses in opposition, the replies, attached exhibits, statements of material fact, and for the reasons expressed in the accompanying Memorandum Opinion,

IT IS FURTHER ORDERED that the Smith Defendants' Second Motion for Summary Judgment (Dkt. No. 98) is **GRANTED** as to Plaintiffs' § 1983 claims in the Amended Complaint.

IT IS FURTHER ORDERED that Plaintiffs' First Motion for Partial Summary

Judgment (Dkt. No. 60), Defendant William F. Brobst, Sr.'s Motion for Summary Judgment (Dkt. No. 71) and the Smith Defendants' First Motion for Summary Judgment (Dkt. No. 73) are **DENIED** as moot.

IT IS FURTHER ORDERED that Counts I, II, III and XV of the Amended Complaint are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Counts IX, XI, XIII and XIV of the Amended Complaint containing claims for intentional infliction of emotional distress, abuse of process, trespass and conversion pursuant to Pennsylvania law are **DISMISSED WITHOUT PREJUDICE** for Plaintiffs to raise them in an appropriate state court.

BY THE COURT:

/s/ Henry S. Perkin

HENRY S. PERKIN

United States Magistrate Judge